

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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ZONEPERFECT NUTRITION COMPANY,  
Plaintiff

v.

HERSHEY FOODS CORPORATION,  
HERSHEY CHOCOLATE &  
CONFECTIONERY CORPORATION, and  
BARRY D. SEARS,  
Defendants

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)  
)  
) CIVIL ACTION  
) NO. 04-10760-REK  
)

ORDER of RECUSAL  
June 17, 2004

Because my daughter, Katherine Carter, is a partner in the firm of Palmer & Dodge, LLP, it is my regular practice to recuse myself from any case in which Palmer & Dodge makes an appearance on behalf of any interested person or entity. It has come to my attention today that on June 14, 2004, the Clerk received and stamped as filed a communication from Palmer & Dodge as counsel on behalf of non-parties Christopher P. Baker and C.P. Baker & Co.

After consulting with counsel regarding this matter, I find that it is almost certain that the person sitting in this case will have to make rulings on privilege and other grounds of objection to the consideration of deposition testimony of Christopher P. Baker, either as a live witness or when deposition testimony is presented for the court's consideration. In these circumstances, I find that I must recuse myself.

This case is returned to the Clerk for immediate drawing to another judge of this court.

\_\_\_\_\_/s/Robert E. Keeton\_\_\_\_\_

Robert E. Keeton

Senior United States District Judge